

REMARKS

Claims 1 and 8 have been amended to clarify the limitation regarding an individually targeted message, which are unrelated to both the status of the telephone call and the status of the telephone call account. Claim 1 has also been amended to further clarify that the claims and present invention are directed to accounting data not yet stored in the database but being submitted for storage in the database. Support for these claim amendments is found at least on page 3, lines 5-8 and lines 9-19 and page 5, lines 11-14 and 21-28 of the application as originally filed. With these amendments, no new matter is introduced; acceptance is respectfully requested.

Rejection of Claims 1-15 and 17 under U.S.C. § 103

Claims 1-3 and 8-10 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. (U.S. Patent No. 5,577,109) in view of Gorog (U.S. Patent No. 4,947,028), and Gross (U.S. Patent No. 6,721,716). Claims 4-6 and 11-13 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and Gross and further in view of Skinner et al. (U.S. Patent No. 6,185,514). Claims 7 and 14 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and Gross and further in view of Sprague et al. (U.S. Patent No. 5,247,575). Claims 15 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and Gross and further in view of Gomyo et al. (U.S. Patent No. 5,930,772). Applicant responds in kind to these rejections as follows.

Base Claims 1 and 8 are directed to methods for the capture, tracking and management of accounting data using natural speech recognition with landline or wireless telephones. Under the present invention, a computer system provides a database for storing accounting data. The system, via telephone, calls a user in order to obtain accounting data to be stored in the database. During the call, the system uses an automated voice interface directed to the user, and the user enters the to be stored accounting data primarily by speaking into the phone in response to the interface. The interface includes a series of prompts that request each point of the accounting data. From the user's responses, the system obtains the accounting data and stores it in the database. Lastly, the system also serves the user a message that is unrelated to the status of the telephone call or account status of the telephone call, such as an advertisement.

Stimson et. al. relates generally to prepaid card systems having a remote terminal to provide on-site activation and recharging of cards in customer-defined amounts. See col. 1, lines 10-13. The system pertains to the purchasing and use of “prepaid” cards. A user may enter the security number of a card at a remote terminal, thereby identifying the card. The user may then use the remote terminal to authorize or recharge the card. See col. 4, lines 66-67. The remote terminal connects to a “database of authorized cards, the database including detailed information about the authorization, recharge and use status of each card of the system.” See col. 2, lines 26-29. Based on the user’s authorizing or recharging the card, the terminal updates this database accordingly. When the user later uses the card to make a purchase, such as paying for a telephone call, the system tracks the length of the telephone call and deducts those minutes from the time available on the card.

Stimson does not teach or suggest an accounting system that captures and manages accounting data (e.g., time and expenses on respective projects) in a database, and uses a voice interface to prompt the user to enter to-be-stored accounting data primarily by speaking into a phone as claimed in base Claims 1 and 8. Rather, Stimson teaches a system that allows a user to enter a monetary amount to update the amount of a prepaid card, and this entry can be made through a voice interface. The user is merely able to authorize or recharge a prepaid card, and is unable to enter any accounting data for storage in the database, such as time or other expense made with regard to the card or an expense account. Such data is instead updated automatically by the system, and thus is out of the user’s control. See col. 5, lines 54-64.

Nor does Stimson teach or suggest obtaining accounting data from the user’s voice. The examiner appears to refer to the “security code” entered by a user when making a phone call with a prepaid card (col. 5, line 48). This call is different from accessing a remote terminal, which may be done using a voice interface (see col. 4, lines 57-64), and Stimson does not teach using a voice interface during this phone call. In other words, the keypad of the remote terminal of Fig. 3 may be replaced by a voice interface, but Stimson does not teach replacing the keypad of a telephone with a voice interface. Furthermore, the “security code” is merely a code (already stored in the system) that allows the user to access the minutes available on the corresponding prepaid card, and therefore is not to-be-stored (i.e., newly submitted) accounting data of the present invention. Thus while Stimson may teach obtaining from a user’s voice some

information on a prepaid card, it does not teach obtaining new or not yet recorded “accounting data to store to the database” as now claimed in base Claims 1 and 8.

Stimson also fails to teach or suggest serving an individually targeted message to the user, the contents of which are unrelated to the status of the telephone call or the account status of the telephone call. A user who enters an invalid security code will receive a message: “this security code is invalid” (col. 5, line 54). This message indicates a mistaken attempt to use the prepaid card to make a telephone call. Certainly, this message is related to the status of the telephone call because entering the security code is a necessary step in making a telephone call using the prepaid card. Moreover, this message is not individually targeted to the user because it is a general message addressed to anyone who enters an incorrect security code, and does not distinguish between users. Also, this message cannot be targeted as such because, at this stage, the system has no information about the user with which to target a message. Gorog does not add to Stimson the claim limitation of initiating a first call to the user “to receive certain accounting data to store to the database”, or serving individually targeted messages to the user through a telephone as claimed in base Claims 1 and 8.

Portions of Gross cannot serve as prior art under U.S.C. 103(a) because it was filed after Applicant’s filing date. Applicant claims priority to U.S. Provisional Application No. 60/169,314, filed on December 7, 1999. Gross was filed on September 29, 2000, and is a continuation-in-part of application No. 09/334,876, filed on June 17, 1999. The parent application to Gross was filed before Applicant’s date of priority. However, the filing date of a U.S. parent application can only be used as the 35 U.S.C 102(e) date if it supports the claims of the issued child (see MPEP 2136.03, section IV). “For if a patent could not theoretically have issued the day the application was filed, it is not entitled to be used against another as ‘secret prior art.’” *In re Wertheim*, 209 USPQ 554, 564. Because Gross is a continuation-in-part, its parent application does not necessarily support the claims of the issued patent. As a result, only the portions supported in the parent application of Gross can be used as prior art under 103(a) to the subject application. Such portions have not been made clear in the Office Action at hand.

Gross refers generally to an electronic statement, bill presentment and payment system. Through this system, a user may view billing statements from multiple billers, and make payments to multiple billers using a single interface. See col. 2, lines 53-67. The system may

also notify a user when new bills or statements become available. See col. 3, lines 26-30. Gross does not teach or suggest initiating a telephone call as claimed in the present invention. A telephone call, as specified in Base Claims 1 and 8, is system initiated to allow the user to enter accounting data to be stored in the database by speaking into the phone. In contrast, the "notice" disclosed in Gross does not contact the user to receive to-be-stored accounting data or any other information. It is, instead, merely a report of billing information, which is entirely passive and does not prompt the user for any action especially not entry of accounting data to be stored in the database.

According to the above, Stimson and Gorog do not teach or suggest entering accounting data through a telephone, maintaining an accounting database with this data, obtaining to-be-stored accounting data from the user's speech, or serving an individually targeted message that is unrelated to telephone account status or call status. Gross in part is not applicable as prior art, it also fails to teach or suggest initiating a telephone call to the user to receive accounting data to be stored in a database. As a result, no combination of Stimson, Gross and Gorog makes obvious the present invention as claimed in Base Claims 1 and 8. Thus, rejection of Base Claims 1 and 8 is believed to be overcome and withdrawal of this rejection is respectfully requested.

Claims 2-7, 9-15 and 17 depend from Base Claims 1 and 8, and thus the foregoing applies. As a result, rejection of Claims 1-15 and 17 under U.S.C. § 103(c) cannot stand and withdrawal of this rejection is respectfully requested.

With respect to Claims 4-6 and 11-13, Skinner does not cure the above failings of Stimson, Gorog or Gross. Skinner discloses a "means for exporting work-completed information to other, third-party, programs." See column 4, lines 61-63. Claims 4 and 11 of the present invention, however, recite a means for "providing accounting data ... to another user." Therefore, Claims 4 and 11 are not obvious in view of the combination of the above references. Claims 5-6 and 12-13 by virtue of their dependencies include the foregoing patentable distinctions and thus are not rendered obvious by the cited art.

With respect to dependent Claims 7 and 14, Sprague et al. does not cure the above failings of Stimson, Gorog and Gross. As such, the combination of Stimson, Gorog, Gross and Sprague do not render Claims 7 and 14 (inheriting the above from respective base Claims 1 and 8) obvious and unpatentable.

With respect to Claims 15 and 17, Claims 15 and 17 depend from base Claim 1 and thus include the claim terms of the respective base claim. Gomyo does not cure the above-argued failings of Stimson, Gorog and Gross. Thus no combination of these references make obvious the present invention of Claims 15 and 17.

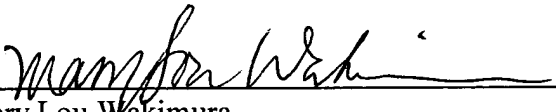
Accordingly, the § 103 rejections of Claims 1-15 and 17 are believed to be overcome.

CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 1-15 and 17) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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